

27
An Act anent those who are or shall be Fugitives or Runawayes from
their Companies and Colours.

At Edinburgh the 22 of January 1644.



He Lords and others of the Committee of the Estates presently convened, taking to their consideration the great prejudice and danger which may arise to the present Armie and Expedition for *England*, by some who having gone out with the said Armie and Expedition, may hereafter turne backe and run away from their Company and Colours: For remedie whereof, it is Statute and Ordained, That all those both of Horse and Foot who shall run away from their Colours and Companies without a Passe, shall be apprehended by the Colonells and Committees of Warre within ilk Shire, or Magistrates within Burgh where they dwell, and others whom they shall appoint for that effect where ever they can be found, and sent again with all diligence to their Company and Colours, there to be punished conform to the Articles of Military Discipline; or else that the Committees of Warre and Colonells within ilk Shire, and Magistrates within ilke Burgh (if they think it expedient for the good of the Army, and for terrifying others from running away in like manner) decimat the saids fugitives both horse and foot, from their Companies and Colours, being apprehended, and cause hang the tenth man of them: And if there be but one or moe of them within ten, to cause hang one of them, albeit there be but one, and cause send the rest of the saids fugitives, horse and foot, to the Committee of the Estates at Edinburgh, upon the expenses of the Publick, to bee punished with a marke of infamy, and sent back to their Colours. And because the resetting and intertaining of the saids fugitives, imboldens and encourages them to keep themselves still lurking, and encourages others by their example to run away; Therefore it is statute and ordained, that whosoever shall keep, reset, or entertain any of the foresaids fugitives, horse or foot, & shall not dilate or deliver them to the said Committee and Colonels of the Shire, or Magistrates within Burgh, with all possible diligence; Then the saids resetters shall be repute and esteemed as disaffected, and enemies to Religion, to their Countrey, and to the Cause presently in hand; and shall be accordingly punished by the Committee of the Estates, or Committees and Colonells of warre where they dwell, or Magistrates within Burgh; and shall be punished with the losse of the halfe of all their moveable goods; the one halfe whereof, shall bee imployed for the use of the Publick, and the other halfe of the samine shall pertain to whatsoever person shall dilate the foresaids persons, resetters and entertainers, and who shall qualifie the foresaid reset and entertainment: To whom the said Committee of Estates promiset hereby, upon their honour and credit, to grant and dispoise the present right and possession of the samine. And if the Committees and Colonels of warre, within each division, or any person being thereupon, or Magistrates within ilke Burgh, shall be negligent in taking order with the foresaids fugitives and runawayes from their Colours, and with their resetters and entertainers, or shall bee deficient in putting of this Act to execution after the forme and tenor hereof, ilke person of the saids Committees of warre, and Colonels, and the Magistrates within ilke Burgh, shall be fined by the Committee of Estates, in the summe of three hundred pounds Scottish money, for ilk failzie *tottes quoties*; the one halfe of which fyne, shall pertain to the Publick, and the other halfe thereof to the parties dilaters. And also it is statute and ordained, that if it come to the knowledge of any person, who have, or shall happen hereafter to out-reach Souldiers, on horse or foot, that these out-reached by them, are disbanded & fled from their Colours, the saids out-putters of them shall be obliged to search, seek, and apprehend the saids fugitives, through the whole bounds of the Parishes or Burghs where the saids out-putters dwells, and shall either apprehend them, and present them to the Committee and Colonells of the Shire, or to the Magistrates of the saids Burghes, that order may be taken with them, conforme to the tenor of this present Act; or else shall put them from the bounds of the said Parish or Burgh: or otherwayes, if the saids out-putters shall be negligent to do their exact diligence herein, the saids out-putters shall be obliged to make up their number by out-putting of men in their places, sufficiently provided in Arms and other necessaries, upon the saids out-putters their owne expenses. And ordains this Act to be printed, and ane copy thereof to bee sent to every Parish Kirk, and to every Committe of warre, and every Burgh within ilke division within this Kingdome: And that it bee read at ilk Parish Kirk, upon ane Sunday, and thereafter battered on the Kirk wall, to be read by every person, that none pretend ignorance thereof.

Arch. Primerose.